

REMARKS/ARGUMENTS

Claims 1-22 are pending. Claims 1, 10, and 17-22 have been amended. No new matter has been introduced. Applicant believes the claims comply with 35 U.S.C. § 101 and § 112.

Applicant notes with appreciation the indicated allowability of claims 3, 4, 14, and 15 if rewritten in independent form. Applicant has not rewritten those claims at this time because all the claims are believed to be patentable.

Section 102(b) Rejection

Claims 1, 2, 5, 6, 9-13, 16-18, 21, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kinnunen et al. (US 2001/0018349).

Applicant respectfully submits that independent claims 1, 10, 17, and 22 are novel and patentable over Kinnunen et al. because, for instance, Kinnunen et al. does not teach or suggest permitting or denying access based on an access enabled area for the wireless unit which is determined according to the first position information containing an access enabled area of the wireless unit and second position information containing a current position of the wireless unit, such that, if the current position of the wireless unit is within the access enabled area for the wireless unit according to the first and second position information, then it permits access to the information unit by the wireless unit; and if the current position of the wireless unit is outside the access enabled area for the wireless unit according to the first and second position information, then it denies access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point.

Kinnunen et al. discloses a location server 252 that receives and maintains the current location information of the mobile entities 214 in the coverage area of the network 212. The location server 252 merely uses the location information to compute the location of the mobile entities 214 within the coverage area 110. See paragraph [0110]. The location server 252 does not utilize the location information to decide whether to allow access to the network by the mobile entities or not.

The location information is used for different purposes in Kinnunen et al. The mobile entities registers with the network 212 and obtains an IP address. See paragraph [0075]. The location agent 218 provides location information concerning the location of the mobile entities 214 and it is received by the location server 252 of the network 212. This is necessary for the mobile entities 214 to be able to get location dependent services, that is, the arbiter may check in which locations users are located and direct relevant notifications only to those mobile entities in certain locations. See paragraph [0124].

The Examiner states: "Inherently, if the mobile entity 214 is out of service deployment area 114, it automatically refuses to access services provided by the network 121."

Under the principle of inherency, if a structure in the prior art necessarily functions in accordance with the limitations of a claim, the claim is anticipated. This is not to say that the discovery of a new use for an old structure based on unknown properties of the structure might not be patentable to the discoverer as a process. "The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient [to establish inherency]." *In re Rijckaert*, 28 U.S.P.Q.2d 1955, 1957 (citation omitted). A claimed function, otherwise patentable, should not be rejected merely because the prior art discloses an apparatus that is capable of performing the function.

In the present case, nothing in Kinnunen et al. indicates that access to the information unit by the wireless unit must necessarily be denied if the current position of the wireless unit is outside the access enabled area for the wireless unit, *especially since this holds true "even if the current position of the wireless unit is within the range of communicable area of the access point."* If the current position of the wireless unit is within the range of communicable area of the access point, there is no inherent characteristics in the mobile entities of Kinnunen et al. to be refused access to services provided by the network.

For at least the foregoing reasons, independent claims 1, 10, 17, and 22, and dependent claims 2, 5, 6, 9, 11-13, 16, 18, and 21 depending therefrom, respectively, are novel and patentable over Kinnunen et al.

Section 103(a) Rejection

Claims 7, 8, 19, and 20 depend from claims 1 and 17, respectively, and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kinnunen et al. in view of Mardirossian (US 2004/0058693).

The Examiner recognizes that Kinnunen et al. does not teach permitting access comprises adding the wireless unit to an access origination unit list, but cites Mardirossian for allegedly disclosing the missing feature.

First, Mardirossian does not cure the deficiencies of Kinnunen et al., in that it also fails to teach or suggest, if the current position of the wireless unit is within the access enabled area for the wireless unit according to the first and second position information, then permitting access to the information unit by the wireless unit; and if the current position of the wireless unit is outside the access enabled area for the wireless unit according to the first and second position information, then denying access to the information unit by the wireless unit even if the current position of the wireless unit is within the range of communicable area of the access point, as recited in independent claims 1 and 17 from which claims 7, 8, 19, and 20 depend.

Moreover, Mardirossian does not teach adding wireless unit to an access origination unit list. Mardirossian is directed to a global paging system. The paging system allows a receiving user (RU) to input country designations in which the RU is to be paged. See paragraph [0007]. The list described in paragraph [0037] has the information of the countries or access areas to which the RU would like to have the message paged. As stated in paragraph [0038]: "Following this assignment, the subscriber or RU inputs his or her 'list' of countries to be serviced at [step 33 of Fig. 3]." In contrast, claim 7 recites adding the wireless unit to an access origination unit list, which is the list of wireless units from which access can originate (see access origination unit list 600e in paragraphs [0038]-[0039]). The recited "access origination unit list" is completely different from the "country or access area list" taught in Mardirossian.

For at least the foregoing reasons, claims 7, 8, 19, and 20 are patentable over Kinnunen et al. and Mardirossian.

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PATENT

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chun-Pok Leung".

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